

1 KAMALA D. HARRIS  
Attorney General of California  
2 GLORIA A. BARRIOS  
Supervising Deputy Attorney General  
3 MICHAEL BROWN  
Deputy Attorney General  
4 State Bar No. 231237  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-2095  
6 Facsimile: (213) 897-2804  
E-mail: MichaelB.Brown@doj.ca.gov  
7 Attorneys for Complainant

8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. **2011- 908**

13 **CLAUDE EDWARD FOULK, JR.**  
14 **P.O. BOX 7175**  
15 **NAPA, CA 94558**  
16 **Registered Nurse License No. 246124**

**A C C U S A T I O N**

Respondent.

17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
20 official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
21 Consumer Affairs.

22 2. On or about August 31, 1974, the Board of Registered Nursing issued Registered  
23 Nurse License Number 246124 to Claude Edward Foulk, Jr. (Respondent). The Registered Nurse  
24 License was in full force and effect at all times relevant to the charges brought herein and will  
25 expire on January 31, 2012, unless renewed.

26 ///

27 ///

28 ///

## JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.

6. Section 2761 of the Code states:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

"(a) Unprofessional conduct,...

...

"(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof."

7. Section 490 of the Code provides, in pertinent part, that a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

8. California Code of Regulations, title 16, section 1444, states:

"A conviction or act shall be considered to be substantially related to the qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the present or potential unfitness of a registered nurse to practice in a manner consistent with the public health, safety, or welfare. Such convictions or acts shall include but not be limited to the following:

“(a) Assaultive or abusive conduct including, but not limited to, those violations listed in subdivision (d) of Penal Code Section 11160.

• • •

“(d) Any conviction or act subject to an order of registration pursuant to Section 290 of the Penal Code.”

9. Section 118, subdivision (b), of the Code provides that the suspension/expiration/surrender/cancellation of a license shall not deprive the Board/Registrar/Director of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

10. Section 125.3 of the Code provides, in pertinent part, that the Board/Registrar/Director may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

**FIRST CAUSE FOR DISCIPLINE**

(Conviction of Substantially Related Crime)

11. Respondent is subject to disciplinary action under sections 490 and 2761(f), as defined in California Code of Regulations, title 16, section 1444(a)(d), in that on or about February 23, 2011, Respondent was convicted of a crime which is substantially related to the qualifications, functions or duties of a registered nurse. The Circumstances are as follows:

a. On or about about Febuary 23, 2011, in the case entitled *The People of the State of California vs. Claude Edward Faulk, Jr.*, (Superior Court of California, County of Los Angeles, Case No. NA0848301), Respondent was convicted by the Court to violating multiple counts of Penal Code section 288(b) [forcible lewd act upon child], a felony. Respondent was convicted by the Court to violating multiple counts of Penal Code section 288(c) [forcible oral copulation], a felony. Respondent was convicted by the Court to violating multiple counts of Penal Code section 286(c) [sodomy by use of force], a felony. Respondent was convicted by the Court to violating multiple counts of Penal Code section 288a(c)(2) [forcible oral copulation], a felony.

Respondent was convicted by the Court to violating multiple counts of Penal Code section 286(c)(2) [forcible oral copulation], a felony.

b. The circumstances surrounding the conviction are that on or between October 18, 1992 and October 17, 1993, Defendant Faulk sexually abused Jonathon F., a child under the age of fourteen years.

**SECOND CAUSE FOR DISCIPLINE**

(Unprofessional Conduct)

12. Respondent is subject to disciplinary action under section 2761, (a), in that between October 18, 1992 and October 17, 1993, Respondent committed acts of unprofessional conduct, as more fully described above in paragraph 11, above.

**PRAYER**

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 246124, issued to Claude Edward Foulk, Jr.
2. Ordering Claude Edward Foulk, Jr. to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and
3. Taking such other and further action as deemed necessary and proper.

DATED: 5/5/2011

*Louise R. Bailey*  
LOUISE R. BAILEY, M.ED., RN  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

LA2010600221  
60610987.doc